IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 371 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders

S.M. Vidyarthi for the appellants.

CORAM: S.B. DESHMUKH, J.

September 14, 2006.

P.C. :

1. Heard the learned counsel for the appellants. None for the respondents.

2. Respondent nos.1 and 2 had filed M.A.C.P.No. 524 of 1996 in the court of Learned Motor Accidents Claim Tribunal, Pune seeking compensation of Rs. 1 lacs. After hearing the parties, the tribunal has awarded an amount of Rs.1 lacs towards compensation to be paid by the original opponents jointly and

severally including an amount of Rs.50,000/- towards no-fault liability. The appellant / Insurance Company had taken a stance that vehicle in question, was not insured with the Insurance Company. However the tribunal referring to the documents from RTO, recorded a finding against the appellant / Insurance Company is jointly and severally liable and responsible to make the payment of compensation. The learned counsel for the appellant relies on a judgment of this court in the matter of Vishram Shriram Pandit vs. M/s. Balaji Carriers and Ors reported in 2005(1) T.A.C. 678 (Bom).

3. After hearing the learned counsel for the appellant, in my view case for admission of the appeal is established.

4. Admit.

5. Call for Record and Proceedings.

6. Printing of paper-book is dispensed with.

7. The appellant/learned counsel for the appellant is directed to file requisite number of copies of paper-book consisting of pleadings of parties, notes of evidence and exhibited documents within a period of one year from today.

8. Hearing of the appeal is expedited.

(JUDGE)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 842 OF 2005

IN

FIRST APPEAL NO.371 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders

S.M. Vidhyarthi for the appellants.

CORAM: S.B. DESHMUKH, J.
September 14, 2006.

P.C. :

1. Heard the learned counsel for the applicant. None for the respondents.

2. Learned counsel for the applicant submits that entire amount

of compensation is deposited in the tribunal as per the order of this court passed on 3.3.2005. Statement made is accepted and taken on record.

3. Ad-interim relief, earlier granted, by this court in terms of prayer clause (a) of the application, is made absolute till the disposal of the appeal.

4. Civil Application is accordingly granted and disposed off. The learned counsel for the applicant, submits, that amount of Rs.25,000/- towards statutory deposit is deposited with this court. He seeks transfer of this amount to the

tribunal. Registry accordingly is directed to remit the amount of Rs.25,000/-, deposited by the applicant in this appeal to the tribunal concerned.

sd/-

(JUDGE)